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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

MORGAN, ROBERT W

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 01/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/335,189

Applicant(s)

YUYAMA ET AL.

Examiner

Robert W. Morgan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-31 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 13-31 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 11.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: .

DETAILED ACTION

Response to Amendment

1. In the amendment filed 12/26/01 in paper number 10, the following has occurred: claim 13 has been amended and claims 26-31 have been added. Now claims 13-31 are presented for examination.
2. Although Applicant was informed in the Interview Summary 12/19/01 that claims 13-31 were in condition for allowance, the indicated allowability of those claims is withdrawn in view of the newly discovered reference to Kraslavsky et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 13 recites the limitation "said plurality of printers" in line 9. There is insufficient antecedent basis for this limitation in the claim. There is no prior mention of the "plurality of printers", but Applicant does claim "a plurality of printers" at line 11 later in the claim..

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,847,764 to Halvorson in view of U.S. Patent No 5,537,626 to Kraslavsky et al.

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As per claim 13, Halvorson teaches a drug preparation order system comprising: a control unit operable to carry out logic operations and to output control signals based on drug preparation data, said control unit comprising:

--the claimed data storage portion and a printer setting portion, said data storage portion being operable to store a first set of data corresponding to the drug preparation data is met by the computer (10, Fig. 1) including data storage which stores long and short term data with regards to the patient's medication and the one or more printers with printer setting in strategic location to provide reports of patient's medication (see: column 2, lines 67 to column 3, lines 12 and 23-27);

--the claimed monitor connected to said control unit, said monitor being operable to display a second set of data corresponding to the drug preparation data is met by the monitor (30, Fig. 1) at the dispenser (32, Fig. 1), which displays inputted patient drug information (see: column 3, lines 28-34 and Fig. 1).

--the claimed input device operable to enable a user to enter the drug preparation data and a third set of data is met by the keyboard (20, Fig. 1) which allows the user to input drug information (see: column 3, lines 5-12);

--the claimed plurality of printer connected to said control unit, said plurality of printers being operable to print on drug preparation order sheets in response to the control signals is met by the one or more printer (21, Fig. 1) connected to the dispenser (32, Fig. 1) connected to the central computer (10, Fig. 1) that print hardcopy medical patient information and reports (see: column 3, lines 23-27 and lines 31-34);

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--the claimed printer setting portion is operable to store the third set of data met by the printer (21, Fig. 1) that prints the patient medical data and reports and the computer (10, Fig. 1) which stores data inputted by the user (see: column 2, lines 67 to column 3, lines 12 and column 3, lines 23-27);

--the claimed monitor is operable to display a fourth set of data corresponding to the structure correlation between the drug preparation data and said plurality of printer is met by the monitor (30, Fig. 1) and the printers (21, Fig. 1) at dispenser (32, Fig. 1) which displays the patient's inputted drug information (see: column 3, lines 28-34 and Fig. 1);

--the claimed input device and said control unit are operable to enable the user to modify the third set of data, by way of modifying the fourth set of data is met by the user's ability to perform information inquiry and make modification with the keyboard (20, Fig. 1) about previously stored or current patient drug information (see: column 3, lines 15-27).

Halvorson fails to teach:

--the claimed correlation between the drug preparation data and the plurality of printer, wherein the correlation may be modified.

Kraslavsky et al. teaches the use of a printing software called Novell NetWare® that allows the user to control (modify) the printer's function which are sent to the print server (Fig. 1) (see: column 12, lines 6-13).

Although Kraslavsky et al. does not use the print software in the medical field it would have been an obvious modification to incorporate this software in the medical system taught by Halvorson for a person having ordinary skill in the art at the time of the invention with the motivation of enabling remote printers to be effective and intelligent members of a network (see:

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Kraslavsky et al. column 1, lines 5-16), thereby enabling printed patient's prescription information to be given out in a timely and more efficient manner.

As per claim 14, Halvorson teaches the claimed drug preparation data includes data corresponding to a patient name, a patient code, a drug code, taking directions, and dosage is met by the system database, which includes information about the patient's name and code as well as drug code, taking directions and dosage of all medication (see: column 9, lines 42-45, 54-55, column 10, lines 54).

As per claim 15, Halvorson teaches the claimed first type of communicator connected to said control unit, said first type of communicator being operable to transmit drug preparation order data provided by said control unit is met by dispenser (32, Fig. 1) which receives patient drug data from the central computer (10, Fig. 1) (see: column 3, lines 47-51).

--the claimed plurality of trays, each having a second type or communicator, said plurality of trays and said control unit are combined as a system are met by the plurality of dispenser (32, Fig. 2) including communication interface in the form of computer monitor, keyboard, and printer as seen in Figure 2;

--the claimed second type of communicators is operable to communicate with said first type of communicator is met by plurality of dispenser (32, Fig. 1) which communicates the central computer (10, Fig. 1) (see: column 3, lines 27-33);

--the claimed trays has a display portion is met by the dispenser (32, Fig. 1) which has a monitor and trays which hold the drugs (see: Fig. 2); and

--the claimed display portions are operable to display the drug preparation order data sent from said control unit by said first type of communicator is met by the monitor (30, Fig. 1) at

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dispenser (32, Fig. 1) which displays the patient's inputted drug information (see: column 3, lines 28-34 and Fig. 1).

As per claim 16, Halvorson teaches the claimed printers are operable to transmit identification information to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which is dispensed by the dispenser (32, Fig. 1) and outputted by the printer (21, Fig. 1) (see: column 51-53).

As per claim 17, Halvorson teaches the claimed control unit is operable to transmit identification information to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates with the central computer (10, Fig. 1) that receives the inputted drug data (see: column 3, lines 27-33).

As per claim 18, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to make a scheduling prescription (see: column 4, lines 56-63).

As per claim 19, Halvorson teaches the claimed control unit is operable to transmit identification information to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates the central computer (10, Fig. 1) the received inputted drug data (see: column 3, lines 27-33).

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As per claim 20, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 21, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 22, Halvorson teaches the claimed order to put drugs in a plurality of trays according to the drug types and the number of days for which the drugs are to be prescribed, the drugs can be assigned to said plurality of trays is met (see: column 3, lines 47-63).

As per claim 23, Halvorson teaches the claimed printers are operable to print on a drug preparation order sheet, information indicating whether drugs have been put into plurality of trays is met (see: column 3, lines 51-53).

As per claim 24, Halvorson teaches the claimed control unit is operable to transmit identification to said trays, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

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As per claim 25, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary, when drug preparation order data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 26, Halvorson teaches a drug preparation order system for use with a drug preparation order sheet, said system comprising:

- the claimed control unit for carrying out logic operations and outputting control signals, said control unit including a memory is met (10, Fig. 1);

- the claimed display connected to said control unit (32, Fig. 1); and

- the claimed plurality of printers connected to said control unit is met by the all the printer (21, Fig. 1) connected to the computer (10, Fig. 1);

- the claimed said memory storing a table which includes a plurality of drug type codes is met by the system database which includes information about the patient's name and code as well as drug code, taking directions and dosage of all medication (see: column 9, lines 42-45, 54-55 and column 10, line 54),

said control unit further including:

- the claimed input device operable to input external data into said memory, the external data comprising a plurality of sets of data, each set comprising drug data is met by the user's ability to perform information inquiry and make modification with the keyboard (20, Fig. 1) about previously stored or current patient drug information (see: column 3, lines 15-27);

--the claimed means for associating each of the plurality of sets of data with one of the drug type codes is met by the system database which includes information about the patient's name and code as well as drug code, taking directions and dosage of all medication (see: column 9, lines 42-45, 54-55 and column 10, line 54); and

--the claimed means for displaying the table on said display (32, Fig. 1);

Halvorson fails to teach:

--the claimed plurality of printer codes, each of the drug type codes corresponding to one of the printer codes;

--the claimed means for associating each of said plurality of printers with one of the printer codes;

--the claimed means for changing the drug type codes and/or printer codes through said input device while the table is displayed on said display; and

--the claimed means for activating one of said printers that corresponds to the drug type code associated with one of the plurality of sets of data to print the one of the plurality of sets of data on a drug preparation order sheet upon entry of a command to print the one of the plurality of sets of data.

Kraslavsky et al. teaches the using a computer with printing software called Novell NetWare® that allows the user to control (modify) the printer's functions that include creating a new print server and print queues, configuring printing ports and starting or stopping printer (see: column 12, lines 6-13).

Although Kraslavsky et al. does not use the print software in the medical field it would have been an obvious modification to incorporate this software in the medical system taught by

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Halvorson for a person having ordinary skill in the art at the time of the invention with the motivation of enabling remote printers to be effective and intelligent members of a network (see: Kraslavsky et al. column 1, lines 5-16), thereby enabling printed patient's prescription information to be given out in a timely and more efficient manner.

As per claim 27, Halvorson teaches the claimed first type of communicator connected to said control unit, said first type of communicator being operable to transmit drug preparation order data provided by said control unit is met by dispenser (32, Fig. 1) which receives patient drug data from the central computer (10, Fig. 1) (see: column 3, lines 47-51),

--the claimed plurality of trays, each having a second type of communicator, said plurality of trays and said control unit being combined as a system are met by the plurality of dispenser (32, Fig. 2) including communication interface in the form of computer monitor, keyboard, and printer as seen in Figure 2,

--the claimed said second type of communicators is operable to communicate with said first type of communicator is met by plurality of dispenser (32, Fig. 1) that communicates the central computer (10, Fig. 1) (see: column 3, lines 27-33),

--the claimed said trays has a display portion is met by the dispenser (32, Fig. 1) which has a monitor and trays which hold the drugs (see: Fig. 2), and

--the claimed display portions are operable to display the drug data is met by the monitor (30, Fig. 1) at dispenser (32, Fig. 1) that displays the patient's inputted drug information (see: column 3, lines 28-34 and Fig. 1).

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As per claim 28, Halvorson teaches the claimed printers are operable to print on a drug preparation order sheet, information indicating whether drugs have been put into one of said plurality of trays is met (see: column 3, lines 51-53),

--the claimed control unit is operable to transmit identification information to said trays when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates the central computer (10, Fig. 1) the received inputted drug data (see: column 3, lines 27-33), and

--the claimed control unit is operable to transmit information on whether guidance is necessary when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 29, Halvorson teaches the claimed control unit is operable to transmit identification information to said trays when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63), and

--the claimed control unit is operable to transmit information on whether guidance is necessary when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 30, Halvorson teaches the claimed control unit is operable to transmit information on whether guidance is necessary when drug data is transmitted by said first type of

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communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

As per claim 31, Halvorson teaches the claimed putting drugs into said plurality of trays according to drug types and a number of days for which the drugs are to be prescribed, the drugs can be assigned to said plurality of trays is met (see: column 3, lines 47-63),

--the claimed printers are operable to print on a drug preparation order sheet, information indicating whether drugs have been put into a plurality of trays is met (see: column 3, lines 51-53),

--the claimed control unit is operable to transmit identification information to said trays, when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which communicates the central computer (10, Fig. 1) the received inputted drug data (see: column 3, lines 27-33), and

--the claimed control unit is operable to transmit information on whether guidance is necessary, when drug data is transmitted by said first type of communicator is met by the inputting of drug information by the keyboard (20, Fig. 1) which then is evaluated by the computer (10, Fig. 1) to made a scheduling prescription (see: column 4, lines 56-63).

Conclusion


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W. Morgan whose telephone number is 703-605-4441. The examiner can normally be reached on 8:30 a.m. - 5:00 p.m. Mon - Fri.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

rwm
January 14, 2002


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